

REMARKS

By this amendment, claim 30 has been amended and new claims 31-35 have been added to the subjection application. Claims 21-29 was cancelled in a previously file amendment. Claims 1-20 and 30-35 are currently pending in the subject application.

It is respectfully submitted that the amendment to claim 30 is made for correcting minor informalities therein, and not for the patentability thereof.

Objection to the Specification

The specification of is objected to as not in compliance with 37 CFR § 1.173. It is respectfully submitted that the original U.S. Patent No.. 5,833,188 was submitted to the U.S. Patent and Trademark Office on March 17, 2003. Furthermore, a copy of the entire specification, including the claims, and the drawings of U.S. Patent No. 5,833,188 is included in this Amendment and Response to Office Action. According, the specification is now in compliance with 37 CFR § 1.173(a)(1) and has overcome the objection thereto.

Objection of Proof of Ownership

The proof of ownership by assignee is objected to as being improper. It is respectfully submitted that a new statement under 37 CFR § 3.73(b) is submitted with this Amendment and Response to Office Action. According, the new

statement is in compliance with 37 CFR § 3.73(b) and has overcome the objection thereto.

Objection of Declaration

The declaration is objected to as being improper under 37 CFR § 1.175(a)(1). It is respectfully submitted that a new Reissue Application Declaration under submitted with this Amendment and Response to Office Action. According, the new Reissue Application Declaration is in compliance with 37 CFR § 1.175(a)(1) and has overcome the objection thereto.

Provisional Rejection of Claims 1-20 and 30 Under the Judicially Created Doctrine of Obvious-Type Double Patenting

Claims 1-20 and 30 are provisional rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-9, 11-14, 16, 19, and 20 of pending U.S. Patent Serial No. 10/310,324 (herein after referred to as the "'324 Application").

It is respectfully submitted that a terminal disclaimer in compliance with 37 CFR § 1.321 is filed with this response to the Office Action. It is believed that the filed terminal disclaimer has overcome the provisional obvious-type double patenting rejection of claims 1-20 and 30.

New Claims 31-35

New claims 31-35 depend from claim 30 are patentable for at least the same reasons as claim 30.

CONCLUSION

In view of above, claims 1-20 and 30-35 currently pending in the subject application are believed to be allowable and the subject application is in condition for allowance. Such action is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees to Manatt, Phelps & Phillips' Deposit Account No. 13-1241 or to credit any overpayment to the same for all matters during the prosecution of the subject application.

Respectfully submitted,

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